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 Operating Engineers Local Union No. 3 and John Bonilla

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FLORENCE DAVIS,)	No. C-05-00221 MMC
)	
Plaintiff,)	JOINT STIPULATION EXTENDING
)	THE DEADLINE FOR CONDUCTING
v.)	AN EARLY NEUTRAL EVALUTION
)	SESSION; AND [PROPOSED] ORDER
OPERATING ENGINEERS LOCAL UNION)	
NO. 3, JOHN BONILLA,)	[ADR Local Rule 5-5(a)]
)	
Defendants.)	
)	

Plaintiff Florence Davis, by her attorney Geoffrey Spellberg of Meyers, Nave, Riback, Silver & Wilson, and Defendants Operating Engineers Local Union No. 3 and John Bonilla by their attorney Alan G. Crowley of Weinberg, Roger & Rosenfeld, jointly stipulate to extend the deadline for conducting an early neutral evaluation session by ninety (90) days for the following good cause:

1. The parties jointly had a phone conference with the ENE evaluator, Ms. Anna Mary E. Gannon, on July 11, 2005, wherein they tentatively agreed to an early neutral evaluation session on either August 17 or 18, 2005.

2. Due to various defendant representatives being on vacation, Defendants were not able to confirm their availability for an August 18th ENE session until July 28th.

1 3. On July 30, 2005, the ENE evaluator informed the parties August 18th and 19th
2 were no longer available. She added that she was in the process of changing employer law firms,
3 had not been able to hold those dates for the parties, and offered to hold the ENE session on either
4 August 11 or 12, 2005.

5 4. On such short notice, the parties are unable to participate in an ENE session on
6 August 11th or 12th.

7 5. While the parties would still like to participate in ENE, they are unable to schedule
8 a mutually convenient date prior to the currently scheduled deadline of August 18th.

9 6. This is the first time the parties have requested an extension of the ENE deadline in
10 this case.

11 7. For these reasons, the parties are in agreement that the deadline to complete the
12 early neutral evaluation session should be extended by ninety (90) days. Ninety days would allow
13 the parties to conduct additional discovery, which would help make the ENE session more
14 meaningful.

15 8. Therefore, pursuant to Civil Local Rule 7-1 and 7-11 and ADR Local Rule 5-5, the
16 parties jointly request the Court extend the deadline for conducting the early neutral evaluation by
17 ninety (90) days, which is by the date of November 16, 2005.

18
19 Date: August , 2005

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

21 By: /s/

SANDRA RAE BENSON
ALAN G. CROWLEY
Attorneys for Defendants

23 Date: August , 2005

MEYERS, NAVE, RIBACK, SILVER & WILSON


25 By: /s/

GEOFFREY SPELLBERG
Attorneys for Plaintiff

ORDER.

PURSUANT TO STIPULATION, it is so ordered that the Early Neutral Evaluation session in this matter shall be completed prior to October 16, 2005.

Date: August 2, 2005



JUDGE MAXINE M. CHESNEY
United States District Judge

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